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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of	)	
	)	CC Docket No. 93-22
POLICIES AND RULES IMPLEMENTING	)	RM-7990
THE TELEPHONE DISCLOSURE AND	)	
DISPUTE RESOLUTION ACT	)	

COMMENTS OF THE NYNEX TELEPHONE COMPANIES

The NYNEX Telephone Companies ("NTCs") hereby comment on the Commission's proposed rules regarding the provision of interstate pay-per-call services.[1] These rules are in response to the Telephone Disclosure and Dispute Resolution Act ("TDDRA"), P.L. No. 102-556, which requires both the Federal Trade Commission and this Commission to adopt rules pertaining to the provision of interstate pay-per-call services. The proposed rules will help protect consumers against pay-per-call service providers that engage in unfair and misleading practices. However, some minor modifications are necessary.

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1 See Notice of Proposed Rule Making and Notice of Inquiry ("NPRM"), CC Docket No. 93-22, RM-7990 (March 10, 1993). The NTCs do not provide interstate pay-per-call services. However, they do provide access and billing and collection services to interexchange carriers ("ICs") that offer interstate pay-per-call services over the 900 exchange.

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List A B C D E

I. THE COMMISSION'S RULES SHOULD BE EXTENDED TO COLLECT PAY-PER-CALL SERVICES.

Section 64.1501 of the proposed rules defines pay-per-call services in accordance with the definition contained in Section 228 of the Communications Act, 47 U.S.C.A. § 228. That definition is limited to pay-per-call services that are accessed through the use of a 900 telephone number.

The Commission has proposed that interstate pay-per-call programs be limited to telephone numbers beginning with the 900 service access code.[2] However, as discussed by the Commission in its NPRM, there have been numerous complaints from consumers regarding collect calls that offer access to audiotext services or group discussions. The Commission should consider adopting rules which prohibit collect pay-per-call services in their entirety. At the very minimum, the Commission should amend its definition of pay-per-call services to include pay-per-call services that are charged to the consumer on a collect basis. Extending the proposed rules to collect pay-per-call services would be consistent with TDDRA's goal of providing consumers with protection against interstate pay-per-call businesses that engage in unfair and misleading practices.

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2 See NPRM at ¶ 17. The NTCs support this proposal. This would make it easier for consumers to identify pay-per-call services.

II. CHANGES TO THE PROPOSED BLOCKING RULES ARE NECESSARY.

The Commission seeks comment as to whether TDDRA's blocking service obligations should be included in interstate end-user tariffs.[3] The NTCs do not believe that this is necessary. Blocking service for both 900 and local pay-per-call services (i.e., 976) is already available under state tariffs and end users normally order blocking service as an option to their local exchange service. Furthermore, the Commission has previously declined to require federal tariffing, and the conditions that led to the Commission's previous conclusion still pertain.[4]

The Commission also seeks comments as to the feasibility of blocking access to certain selected NPA codes or office codes assigned to pay-per-call services, or to specific pay-per-call services. As recognized by the Commission,[5] the NTCs currently do not have the technical capability to offer such types of selective blocking. The NTCs' central offices do not have the necessary capacity to accommodate the number of line class codes that would be required for selective blocking.

The NTCs agree with the Commission's proposal that carriers should be able to block customers from pay-per-call services in situations where the customer refuses to pay

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3 See NPRM at ¶ 28. Among other things, TDDRA requires LECs to offer blocking services to their customers at no charge. The NTCs agree that any requests to unblock pay-per-call services should be in writing.

4 See NPRM at n.18.

5 See NPRM at n.16.

legitimate pay-per-call charges. However, Section 64.1512 of the proposed rules appears to require common carriers such as the NTCs to block customers from pay-per-call services at the request of an interexchange carrier or information provider ("IP").[6] The NTCs oppose any such requirement. This would allow one IP to prevent end users from accessing programs or services of other IPs.

III. THE COMMISSION SHOULD CLARIFY ITS PROPOSED BILLING AND COLLECTION RULES.

Under Section 64.1510 of the proposed rules, any common carrier that assigns a telephone number to a provider of pay-per-call services and that offers billing and collection services to such provider must ensure that a subscriber is not billed for pay-per-call services that such carrier knows or reasonably should know were provided in violation of the Commission's rules. The Commission should clarify that these rules do not apply to LECs who provide billing and collection services to ICs on 900 calls made over the IC's network.

The NTCs do not assign the 900 numbers and they do not offer billing and collection services to the pay-per-call provider. Nor do the NTCs have the ability to identify, prior to billing, those 900 services that [illegible] complaints and stop transmitting pay-per-call services over their network.

IV. THE COMMISSION SHOULD AMEND ITS COST RECOVERY RULE.

Section 64.1515 of the proposed rules prohibits common carriers from recovering their costs of complying with TDDRA from local or long distance ratepayers.

When a customer requests blocking of 900 services, all interstate and intrastate 900 calls are blocked. The NTCs currently do not have the ability to determine, on a call by call basis, whether the 900 call was an interstate or intrastate call. In addition, the NTCs' costs of providing blocking services are not currently assigned to specific accounts or separately tracked by jurisdiction.

It will be necessary to initiate a comprehensive study

V. CONCLUSION

The Commission should modify its proposed rules as discussed herein.

Respectfully submitted,

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and
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